



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, August 24, 2016 at 6:00 p.m. in the City Council Chambers of City Hall**. The following will be the agenda for the Regular Meeting:

AGENDA

- Parliamentary Call to Order
- Welcome
- Swearing in of New Member
- Roll Call
- Annual Election of Officers
- Items of Correspondence
- City Council Action
- Approval and Signing of Minutes from the July 27, 2016 Meeting

PRESENTATIONS AND PUBLIC HEARINGS

1. **Special Use Permit (SUP) 16-03.** Request by Hilton Materials, LLC for the consideration of approval to operate open storage as a principal use in the Industrial (IND) zoning district. The subject property is located at 1360 11th Avenue SE and identified as Catawba County parcel 3712-14-43-2806.

OTHER BUSINESS

1. Appointment of member to HBC 2030 update subcommittee (vacancy due to Mrs. Clemmons's departure from the Planning Commission)

The Hickory Regional Planning Commission does not discriminate on the basis of disability in the provision of its service as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Planning Department at telephone number (828) 323-7422 at least 48 hours prior to the scheduled meeting.

HICKORY REGIONAL PLANNING COMMISSION
4th Wednesday, 6:00 pm, Municipal Building, City Council Chambers

Representation	Name and Address	Phone and E-mail	Appointed Current Term	Current Term Expires
Ward 1	Bill McBrayer 446 17 th Avenue Drive NE Hickory, NC 28601	397-8922 (cell) 397-4661 (office) 850-9362 (cell) bmcbrayer@lexington.com	June 2016	June 2019
Ward 2	Vacant			
Ward 3	Junior Hedrick 1450 25 th Street NE Hickory, NC 28601	(h) 256-8404 (w) 381-6700 jrhedrick12@charter.net	June 2014	June 2017
Ward 4	Samuel Hunt 626 9 th Avenue Drive SE Hickory, NC 28602	328-5013 320-1563 ridge1942@hotmail.com	June 2015	June 2018
Ward 5	Rev. Wallace Johnson 335 6 th Street NW Hickory, NC 28601	322-4471 gwallacejohnson@gmail.com	June 2014	June 2017
Ward 6	Shauna O'Brien 1618 5 th Street Drive NW Hickory, NC 28601	322-3744 kjsjob@charter.net	June 2016	July 2019
Town of Brookford	Doug Minton 2362 C.S.I. Farm Road Hickory, NC 28602	294-2373 612-8122 dminton2373@charter.net	August 2016	June 2019
Town of Longview	Randall Mays (Chair) 2251 15 th Avenue SW Hickory, NC 28602	327-0135 mays_randall@yahoo.com	June 2014	June 2017
Burke County	Vacant			
Caldwell County	James Noggle 6727 Lakeview Terrace Hickory, NC 28601	757-2217 jrnoggle@ci.lenoir.nc.us	June 2015	June 2018
Catawba County	Dr. John Eldridge 364 39 th Avenue Drive NW Hickory, NC 28601	328-9974 324-6235 joulinna@earthlink.net	June 2014	June 2017
Catawba County	Jeff Kerley 2203 Hounds Way Hickory, NC 28601	828-312-8442 828-322-6175 (office) jeff@jkgrading.com	June 2015	June 2018

FY 16-17

Key	A	<i>Absent</i>	AX	<i>Excused</i>		<i>No meeting</i>
	P	<i>Present</i>				<i>Vacant/Not yet appointed</i>

[illegible]

Hickory Regional Planning Commission
Wednesday, July 27, 2016, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, July 27, 2016, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Building, Hickory NC.

Members Present: Randall Mays, Bill McBrayer, Jeff Kerley, Junior Hedrick, Jim Noggle, John Eldridge, Wallace Johnson and Sam Hunt

Members Excused: Shauna O'Brien

Members Absent: none

Others Present: Community Development Manager Dave Leonetti, Planner Ross Zelenske, Deputy City Attorney Arnita Dula, City Attorney John Crone and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Randall Mays, Chairman, called the meeting to order at 6:00 pm and welcomed everyone present.

Roll Call: Community Development Manager Dave Leonetti stated a quorum was present, and that Shauna O'Brien was excused.

Annual Election of Officers: Mr. Mays said officers would be elected tonight, including a Chairman, Vice-Chairman, and Secretary. He reviewed the officers serving during the past year: Randall Mays, Chair; Barbara Clemons, Vice-Chair; and, Bill McBrayer, Secretary. Mr. Mays said Ms. Clemons is no longer a member of the Commission. He opened the floor for nominations.

Sam Hunt moved, seconded by Wallace Johnson, to nominate Randall Mays as Chairman. There were no additional nominations. By a show of hands, the motion carried unanimously.

Sam Hunt moved, seconded by Junior Hedrick, to nominate John Eldridge as Vice-Chair. There were no additional nominations. By a show of hands, the motion carried unanimously.

Sam Hunt moved, seconded by Wallace Johnson, to nominate Bill McBrayer as Secretary. There were no additional nominations. By a show of hands, the motion carried unanimously.

Mr. Mays said officers serving during FY 2016-17 would be Randall Mays, Chair; John Eldridge, Vice-Chair; and, Bill McBrayer, Secretary.

Items of Correspondence: Mr. Leonetti said the area-wide Brownfield Planning Grant is moving along. They will hold a planning charrette at Ridgeview Recreation Center during the week of Monday, August 22. They will be planning the reuse of Brownfield sites along the Highway 70 corridor, including either side of Highway 321 and the surrounding neighborhoods. The charrette will take place August 23-25, with the final meeting held on August 25th. During the 3-days, the City's consultants and staff will be working to put together the recommendations and receive input from the public. Further information will be sent to members, including the exact meeting times.

City Council Action: none

Approval and Signing of Minutes from the May 25, 2016 Meeting: Minutes of the previous meeting were distributed to members in advance. No additions, deletions or corrections to the minutes were stated. Jeff Kerley moved, seconded by Bill McBrayer, to approve the May 25, 2016 meeting minutes as written. The motion carried unanimously.

Mr. Mays said two public hearings were on the Commission's agenda tonight.

PRESENTATIONS AND PUBLIC HEARINGS

1. Rezoning Petition 16-04. Request by GTC Investments, LLC for the consideration of the rezoning of approximately six (6) acres of property, located at 3165, 3179, and 3181 South NC 127 Highway, from Low Density Residential (R-1) to Commercial Corridor (CC-2). These properties are shown in more detail as PINS 2791-14-42-9844, 2791-14-42-0860, and 2791-18-42-3423 on the Catawba County G.I.S. maps.

Ross Zelenske presented the Staff Report and referred to PowerPoint slides during his presentation. Referring to slide #2 (Rezoning 16-04), he said the applicants are George Condeelis, Joseph Condeelis, Dianne Davenport, and Rosemary Penland. There are three total properties, located at 3165 South NC 127 Highway, 3179 South NC 127 Highway, and 3181 South NC 127 Highway. The existing zoning is R-1 (Low Density Residential) and CC-2 (Commercial Corridor). The aggregate size of the three (3) parcels combined is approximately 29.65-acres. The request is to rezone approximately 6-acres of the combined properties from R-1 to CC-2.

Referring to slide #3 (Map 1: Hickory by Choice 2030), he said the area being requested for rezoning is outlined in red. The map does not take into account the property lines, so that is why it appears to be "off" in some regards, not corresponding to the property lines. The area highlighted in pink is Commercial Corridor, the purple is Neighborhood Mixed Use, and the surrounding area in yellow is Low Density Residential. The intent is to have a Commercial Corridor along Highway 127 stretch, and then everything beyond that is Low Density Residential.

Referring to slide # 4 (Map 2: Aerial), Mr. Zelenske said this aerial photo shows the current surrounding development; it is mainly open space, with some single-family residential development, and a commercial stretch along Highway 127.

Referring to slide #5 (Map 2A: Aerial), he said this close up aerial photo of the previous map shows some of the current uses there, including a trucking business, a single family home, two barns, apartment units, and the rest is open space.

Referring to slide #6 (Map 3: Zoning Districts), he said it is a mixture of City zoning and County zoning, which helps explain why the rezoning request corresponds with the existing Commercial zoning in the area; CC-2 and Highway Commercial (HC) do not exactly correspond, but they are commercial in nature. The R-1 and Catawba County R-20 are very similar in uses, lot sizes, and so on.

Referring to slide #7 (Rezoning 16-04 Analysis), Mr. Zelenske said the Hickory by Choice 2030 Plan identifies the area as Commercial Corridor and Low Density Residential. Based on the intent, staff finds it is consistent with CC-2 and R-1 zoning designations, respectively. The Commercial Corridor is characterized as an automobile focused type of development, however it should still be pedestrian friendly, accommodate and protect residential areas, and encourage connectively and community open space as well. The CC-2 district permits a variety of commercial uses, including offices, retail sales and service establishments, institutional facilities, such as schools and daycares, etc., but does not allow any type of

industrial use. CC-2 also allows for a variety of residential uses. Single-Family Residential is permitted by a Special Use Permit, only, and duplexes and multi-family residential are by right (up to 30- units per acre).

Referring to slide #8 (Rezoning 16-04 Impacts), Mr. Zelenske said any impacts, due to this potential rezoning, would have to be evaluated during the development review process, per what specifically is chosen for the new development. The applicant has informed staff that they have no specific plans for what type of future use the property would have, they just want to have it rezoned to Commercial at this point. The developer would be responsible for any impacts, based on that development.

Mr. Zelenske said there are some concerns that should be noted, at least regarding traffic in the Highway 127 South and Mountain View area. The AADT traffic counts say that about 16,000 to 17,000 cars pass through this area on a daily basis. The current Level of Service, according to the NCDOT and Western Piedmont Council of Governments (WPCOG) officials is approximately a Level Service of E, based on an A through F scale, so it is closer to the congested level. As a response to that, the WPCOG has developed a long-range transportation plan, which has identified Mountain View and this particular area for a road expansion, two lanes on each side, with a divided median. There is no funding or timeline for the planned road expansion, but it is on the way. This is on the fringe of the City limits, but fire and police should still be able to serve the area. Water and sewer are available, and would be required for any development or re-development of the property.

Referring to slide #9 (Rezoning 16-04 Recommendation), Mr. Zelenske said staff recommends that the Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and forward a recommendation of approval to the Hickory City Council.

Mr. Zelenske asked for questions from Commission members, and there were none.

Chairman Mays opened the Public Hearing. He said proponents of the petition would speak first, followed by the opponents, and rebuttal time would follow.

PROPONENTS

Ellie Bradshaw addressed Commission members. Ms. Bradshaw said she was representing the Condeelis family and GTC Investments. They are here and happy to answer any questions members may have. The Condeelis family has owned this property for quite a long time, and believes that this rezoning is needed to allow them to develop the front part of their property, consistent with what is already there on Highway 127. She said Mr. George Condeelis was also attending, and available to answer any questions.

Ms. Bradshaw asked for questions or any concerns, from members, and there were none.

George Condeelis addressed Commission members. He said he is one of the four owners of the 30-acre parcel. Right now it is zoned R-1, meaning they could put mobile homes or houses on the property, and they do not feel that would be conforming to what is already there, in the front. On each side of their property, there is Commercial zoning. There is a little commercial strip on one side with a real estate company and a barbershop. Across the street, there is a Mexican restaurant, a gas station, and Food Lion. There is a hardware store on the other side, and a BBQ restaurant, and all they want to do is conform with what is already there, which is commercial, and to have these 6-acres rezoned to CC-2.

Mr. Mays asked Mr. Condeelis, regarding rezoning the front portion of the property, if it were developed in the front, how would they then access the rear area. Mr. Condeelis said they have to have some right-of-

way, and right now it is zoned R-1 so they would need to work within that type of zoning. But yes, he said they would have to put some type of right-of-way in place. Mr. Mays said, so you are aware of needing to have access to the rear portion of the property. Mr. Condeelis said yes, they would need to do that to one or each of the two sides, and that would become part of the plans for the back of the property.

There were no additional questions for Mr. Condeelis.

There were no other speakers in favor of the rezoning petition.

OPPONENTS

There were no speakers in opposition to the petition.

The Public Hearing was closed.

Mr. Mays asked if there were any questions, or discussion.

There was no further discussion, and no additional questions for the staff or the speakers.

Mr. Mays asked for a motion to approve or deny the rezoning request.

Sam Hunt moved, seconded by Bill McBrayer, to approve Rezoning Petition 16-04, and forward a recommendation of approval to Hickory City Council. By a show of hands, the motion carried unanimously.

Mr. Mays stated Rezoning Petition 16-04 is approved by the Hickory Regional Planning Commission and would be forwarded to Hickory City Council for final approval.

2. Rezoning Petition 16-05. Request by FJS & JG, LLC for the consideration of the rezoning of approximately one (1) acre of property, located at 5251 Hickory Boulevard, from General Business (C-2) to Medium Density Residential – 2 (R-2). This property is shown in more detail as PIN 2793-39-9764 on the Caldwell County G.I.S. maps.

Dave Leonetti presented the Staff Report and referred to PowerPoint slides during his presentation. Referring to slide #11 (Rezoning 16-05), he said the applicant is Mr. Steve Smart, a manager of FJS and JG, LLC. The property is located at 5251 Hickory Blvd. NW, which is US Highway 321, just over the bridge into Caldwell County. The property is currently zoned C-2, General Business. The applicant is requesting rezoning of a little over 1-acre of the property, to R-2 Medium Density Residential.

Referring to slide #12 (Map 1: HBC 2030 Future Land Use), Mr. Leonetti said the Future Land Use map gives members a better idea of the area being discussed. He noted there are some blank spots, areas that are outside the City's planning jurisdiction, and fall into Caldwell County's. He pointed out the area zoned General Business, and coming back across the river there is a large area zoned as Park, some Public/Institutional, which is the Hickory Water Plant, a Revitalization area along some of the older sections of US 321, and some Industrial zoning, also adjacent to 321.

Referring to slide # 13 (Map 2: Surrounding Land Uses), Mr. Leonetti said the surrounding land uses are mainly residential. He pointed out a single-family subdivision, and to the immediate west of the property is single-family housing. He said approximately two-thirds of the property is currently developed as a

restaurant, which is vacant. It was Key West Grill, George's on the Lake, and others. Across to the southeast is Lake Hickory Marina.

Referring to slide #14 (Map 3: Existing Zoning), Mr. Leonetti said zoning in the immediate vicinity of the property is C-2 General Business, for this and the marina property, and everything else is Residential. The Caldwell County portions are zoned R-20 Residential, with just slightly lower density than the City's R-2 Residential, which allows four (4) units per acre, single family only, and R-20. There is also Industrial zoning to the south.

Referring to slide #15 (Rezoning 16-05 Analysis), Mr. Leonetti said Hickory by Choice 2030 classifies this area as General Business, which is essentially a variety of office and commercial uses, residential uses, and some limited industrial uses. Much of the nearby area is outside the City's jurisdiction. R-2 zoning is inconsistent with Hickory by Choice 2030. The change, however, does represent a down zoning. The R-2 zoning, and along with a subdivision to ensure adequate access to the two portions of the property, would allow the creation, potentially of two single-family lots, for one (1) home on each lot. Public facilities and services in the area appear adequate to serve the subject property under both the current and the proposed zoning.

Referring to slide #16 (Rezoning 16-05 Recommendation), Mr. Leonetti said staff does recommend approval, and requests the Commission adopt a statement of consistency regarding the rezoning, and forward a recommendation of approval to the Hickory City Council.

Mr. Leonetti said there is one thing to note, that there were a couple misprints on the letter that went out to the property owners – the map was correct, but there were some errors in the text of the notice. He spoke with Arnita Dula, Deputy City Attorney, about this. She did not believe it was something that would force the Commission to table the hearing. Mr. Leonetti said the staff did receive a call regarding this.

Mr. Leonetti asked for questions from members.

Sam Hunt asked if there had been any inquiries since then, and Mr. Leonetti said they received one or two phone calls, and that Cal Overby spoke with them about the rezoning.

Mr. Mays asked how this property would be impacted by the expansion of US 321. Mr. Leonetti returned to slide #14 (Existing Zoning) as he spoke, and said there were property owner representatives attending tonight who could speak to this better than he could, but that there would be some changes made to the front of the property, along US 321, which would be taken for DOT right-of-way. He again said the applicants could address this.

Mr. Mays said this property has not been subdivided, and Mr. Leonetti said that is correct. If rezoned, he said the property owners would be able to proceed with a subdivision to develop as lots.

There were no additional questions for Mr. Leonetti.

Chairman Mays opened the Public Hearing. He said proponents of the petition would be allowed to speak first, followed by the opponents, and rebuttal time would follow.

PROPONENTS

Ed Neill addressed Commission members. Mr. Neill said he was owner of Neill Grading & Construction Company, and equal partners with Steve Smart in this property. The purpose of the rezoning request is to

be able to reopen the restaurant building. He said he commended the members for their service, that he has served 12-years on the Catawba County Planning Board. He said he would be brief and then take questions.

He said they have some history in dealing with distressed properties, having remodeled the Hollar Mills buildings, and later on the mill property for Transportation Insight. During the mill remodeling, they got to know some of the folks at Transportation Insight. He learned that the owner, Paul Thompson, sold his boat when he moved to Hickory, because there was nowhere to go on Lake Hickory. He said they are attempting to reopen this restaurant, and that Matt Miller of Bistro 127 would operate it.

Mr. Neill said the nature of this request is truly temporary. Several, or more than several, restaurants have failed there, mostly for lack of a dock. They have met with Duke Power, who has pretty much made Lake Hickory unusable with their shoreline management rules, and he had to gain membership to their committee in order to change some of those rules; it won't be in time to help this restaurant, because DOT's plans won't allow them to operate but for about 3- to 5-years.

(Before Mr. Neill's testimony began, Mr. Leonetti distributed copies of a handout to members, provided by Ed Neill, with maps describing three alternative plans for the US 321 widening project. At times, Mr. Neill mentioned the maps during his testimony, and how the options would impact his property.)

Mr. Neill said he pointed out to DOT how to save about \$2 million by not cutting back the east side of the road, with the solution being to wrap the driveway to the marina around the (restaurant) building, and under the bridge. He referenced the three maps of alternative plans. He said this again points out the temporary nature of this request. There is no intent to build homes on these lots – this is Duke Energy's instruction to them as to how they can build two docks on Lake Hickory that would be allowed to serve the restaurant. He said it is more of a visual amenity really, than necessarily a heavy use. He said that with one of the three map plans, the (restaurant) building would be demolished. With the other two plans, they would try to save it, but the building would have to be repurposed, because there would be no parking left when the road to the marina is built through there.

Mr. Mays asked if members had any questions for Mr. Neill.

Jeff Kerley said that no one would be trying to build houses on the property, and Mr. Neill said no.

Mr. Kerley asked how many boats could be parked at both of these docks, and Mr. Neill said they do not know, but they would build the biggest ones they would be allowed to build, with a slip or two.

Jim Noggle asked why the restaurant could not build here, and Mr. Neill said because Duke Energy shoreline management plan will not allow a marina within a half-mile radius of an existing marina. He said their definitions are faulty, there are marinas that have snack bars and restaurants, gasoline, boats parked 24/7. Duke classifies a restaurant as a marina; the restaurant has no service bays, no gas, and has no permanent parking. Duke will not differentiate between a slip that has a boat 24/7, and a slip for someone to use while going to the restroom and buying a hot dog. He said they were going to change that, and when he saw the plan for Hickory's park on Lake Hickory, there must have been 200 parking spaces for cars, and 4 to 6 for boats. They have made Lake Hickory unusable. There is a reason behind it, but that reason is gone. Crescent Resources is no longer Siamese twins with Duke Energy. It is a long process; the shoreline management only meets once a year, and the new 321 bridge would be built and the restaurant repurposed before that shoreline management plan can be changed, but it needs to be changed.

Mr. McBrayer asked what MR. Neill anticipates the cost of the restaurant upfit will be, as it sits today. Mr. Neill said the restaurant, upstairs, is fully equipped, and Matt Miller will open it in September or October. They do have a budget to upfit the downstairs; it is licensed to be a nightclub, but it will not be a nightclub.

At the most, it will be pinball machines and pool tables, similar to a place in Raleigh called Big Daddy's that some of you may have seen before.

Mr. Neill noted the "famous" Jim Surane, who caused Hickory a whole lot of trouble, including the marina on the east side of the bridge that caused a lot of disturbances and ordinance problems with the City. He said they ended up owning this property because he (Mr. Surane) hired them to do a lot of work out there, along with Steve Smart, his partner in the building. He said that he (Mr. Surane) had no intention of paying them. So, rather of losing their labor costs, they fought him, chased him through bankruptcy, and ended up owning the building. Mr. Neill said they just want to operate it properly, for the 3- 5-years until the DOT forces it to be repurposed.

Mr. McBrayer said he has read over this and just struggles with it, in a couple different ways. From a business standpoint, he is looking at two things – first, why in the world would anybody start a business, knowing it is only a 3- to 4-year term, and second, maybe they are starting the business to have this property when the State comes through, and they would make a mint selling the property. Mr. Neill said he had a good answer, that he held a meeting out there in that building that 20-some people attended, the DOT, City of Hickory, MDI, DOT consultants, and he showed them how to save that \$2 million. He then kept the building empty for over a year, saying that the meeting was held 2 years ago. He kept that building empty to allow DOT to do an advanced acquisition of an empty building, in good faith with them. NCDOT did the paperwork for an advanced acquisition of an empty building. He said the same federal government that thinks we need a Charleston Cooper River bridge over Lake Hickory, denied the acquisition, so he has no choice here.

Mr. McBrayer said that another part he is struggling with, which Mr. Kerley made reference to, is the two pier permits. He said he loves boats, but is not a boater. So does it hold one boat, or ten boats, because he just doesn't see how two boats would add value to the business, when the other restaurants have collapsed for the lack of them, that he was struggling with this, too. Mr. Neill said they feel like, if you drive across the bridge, and you see just a restaurant, that you are more likely to keep going; but if you see that visual amenity, you are more likely to stop. He is not a restaurant operator, but that is what he has been told by friends in the business. He said they are going to open the restaurant, that it is in process, and it will be in business in September or October. They want the piers to add to it as an amenity. His partner, when they first walked into the building, he said this would make a good residence – we'll just have to turn this into a duplex when they tear out all of the parking. He said there is the off chance the building could become a duplex, and the piers could stay, but the road (to the marina) is going to go through those two lots. The driveway to the marina goes through those two lots.

Mr. McBrayer said he cannot get his hands around this, that it seems a little strange. Mr. Neill said it may seem strange, but Duke Energy led them to this request. There are people in Duke Energy who realize the shortcomings of their shoreline management plan. Mr. McBrayer said, regardless of going north on 321, the way it wraps up at that next intersection, that's irrelevant to the wrap-around road at your restaurant. Mr. Neill said correct, those are the three alternative plans for that area, and all wrap around the restaurant.

Mr. McBrayer asked if the lots are an acre, he thought that was what he read. Mr. Neill said the total for the two is barely an acre, and, the tax value would actually increase. This is surplus, unpaved, unused property; the commercial operation will still have the same tax value, and these two residential lots on Lake Hickory will have a greater tax value than surplus, unpaved, unused, unimproved commercial land. The total tax bill at the end of the day will be larger. In his opinion, and the sales tax generated by the operation will come in handy as well.

Mr. Kerley said that was his question, what advantage does it have and what disadvantages, but he does not see a disadvantage. He said he is a boater, loves to get on the water, would like to go out to a restaurant, but

there is not one here. He has been there and talked to Wade Harmon, and talked to several different people about it. He does not see how it can hurt anybody. If no one is building a house there, the tax rates are better and the restaurant will help generate revenue, even if it is only for 4-years and the restaurant is taken over by the road, he thinks it is a great thing, to help the restaurant generate more revenue.

Mr. McBrayer said he was not saying he is against it either, that he is all for it, he is for private industry and putting people to work. Mr. Mays said, to clarify for Mr. McBrayer, in the past Duke Power would not issue permits to a business for piers, again noting there is a local marina already there, and that permits for piers would not be issued anywhere close to them. He said a restaurant had tried it before and they could not get a pier permit from Duke Power. But, by securing two residential lots on that piece of property, it gives them access to request piers, that could not be attained by a business. Mr. Neill said correct. He said he served on the Western Piedmont Water Resources Committee, and that is how he came to know some of the folks inside Duke Energy, who realize their shortcomings. Mr. Mays asked Mr. McBrayer if that helped him understand – Duke will not give a business a pier permit, but they will give one to a residential lot. Mr. Neill said that is correct, and the root cause of that is that they misclassify a restaurant as a marina. In fact, that same shoreline management plan on Lake Norman has allowed restaurants that are not marinas, so it has been misinterpreted more severely on Lake Hickory. He said there is a stark difference on the usability of Lake Norman and the usability of Lake Hickory, and Hickory is getting ready to spend a chunk of \$40 million out there.

Mr. Neill said the CEO of Transportation Insight, who probably doubled the employment in downtown Hickory in one fell swoop, sold his boat, and said there is nowhere to go on Lake Hickory. He had another friend who told him that he was going to sell his boat, and he told him to hang on.

There were no additional questions for Mr. Neill.

Matt Miller addressed Commission members. Mr. Miller said he currently owns Bistro 127, runs the Warehouse 18 catering venue, and is in the process of opening up a new casual restaurant concept on the mentioned property. Listening to the members' questions, he thought he could add some information, to help them see why this is beneficial. He said he was the one who was going to have to put in a restaurant, and then, after 5-years, have to move it. He said the whole benefit to him is that they are going to develop this restaurant as a brand new concept and build it up, and then when the DOT comes in, move it to the basement of Warehouse 18, where it will be right in the middle of the City Walk. He said this was part of his 5-year plan before Mr. Neill asked him to consider this project. There is a lot of equipment he would get from this that would offset his losses in having to move the business. So for him, with all of the restaurant equipment that is in there now that he would gain at the end of the lease, it is a financial benefit to him. He actually told Mr. Neill 'No' three times before he told him 'Yes,' so he has thought about it long and hard.

Mr. Miller said that, regarding the docks, his understanding is that they would have two residential slips that would hold a couple of boats each. If people start to park there, it will start a little bit of attraction, and people are brought into the restaurant. If you see people parking there, it starts a process and it is easy to see how other people would want to participate in that; at that point, they would look into developing the basement of that facility – not as a nightclub, because he sure does not want to deal with that – but as a game room, and maybe banquet rooms. But they would keep it as appropriate restaurant-style.

Mr. Miller said as he has started telling some of his customers that they are working on opening a new restaurant at this location, the main thing they ask is, why can't you get docks? So he has learned that you cannot get commercial docks, and Duke Energy is not going to change anything on this. He was very surprised with Mr. Neill's creative solution to this. He said a lot of people in Hickory want this very much, that there is a lot of traffic to the former location of George's, before it moved to where he is moving into

now. There is another little restaurant there now, and people drive over there in boats, drive an extra 30 to 40 minutes on the lake, just so they can sit on the lake and have a bite to eat. So this is going to give us something in the middle of Hickory.

Mr. Miller said that, obviously, the citizens of Hickory voted for this bond referendum, saying they want us to put things in our community that are attractive to young people, and give you something extra to do. He said we are definitely looking at 5-years out to see the City Walk completed, and this is a temporary fix, but it is something that can be accomplished by next summer, adding a nice little amenity to the City, and to the direction of what the City Walk and River Walk are going to accomplish down the road. He said those were his thoughts on the project, and he would be happy to answer any questions.

Mr. Mays asked if there were any questions for Mr. Miller.

Sam Hunt asked if this strategy has been used anywhere else successfully with Duke Energy, in order to gain the boat slips. Mr. Miller said he did not know about that, but the bottom line is that they will not allow a commercial dock, and if it is residential, it is a different set of regulations, so that is a totally different application. They would have to justify denying it.

There were no additional questions for Mr. Miller.

There were no other speakers in favor of the petition.

OPPONENTS

Patricia Thompson addressed Commission members. She said she lives by Lake Hickory Marina, and was just recently here to stop something at the marina, not sure what, but it seems like she has been fighting with the marina for 7-years, and there have been issues constantly. They put a restaurant in, they had docks, people came, they extended themselves outside, put loud music out into her neighborhood, and ruined their neighborhood.

Ms. Thompson said the place that has been mentioned, which is up the river a half an hour, is a pizza place. And the last time she came here, a couple months ago, she had just visited up there to speak to the neighbors there and find out how they reacted to this restaurant, which had been George's and then became a pizza place. She said there were at least three neighbors there that were extremely angry, and trying to sell their houses. One actually did sell his house, then another one moved out and rented, and another one is trying to sell his house. The problem with this type of thing, with a restaurant, and yes, she knows it sounds like a great idea to bring people in, she thinks that it just really hurts the neighborhoods around it. If they disobey and do things that hurt the rest of the neighborhood, such as what has happened with her, and she really did not know until she came in tonight exactly what was going to happen with that piece of property, she did not realize that the restaurant itself was going to come back and be a restaurant again. She thought it was going to go away with the DOT. She does wonder a little bit about the competition with the marina now, and the restaurant with its docks, not that there will be a competition for slips, but there will be a competition of the nature, 'Can I do what they are doing? If they are doing it over there, can I do it too?' It will be that kind of thing, and, 'If they are playing music, can I play music?' She said they had a Tiki Bar there at the marina for a while, where they were serving alcohol right at the water. She would be concerned about that and would be concerned about boaters getting into their boats after drinking.

Ms. Thompson said there really is no law enforcement on the lake for that type of thing; you don't have law enforcement, you rarely see them. You can see a little bit of wildlife out there, and you can see a little bit of the police department out there, and they are present. She called 911 yesterday at 7:00, to try and save six

teenagers who were swimming across the channel, and she was so frightened. But she did not know if they were little kids, or what they were, and she had to call the law to come out there. They were actually 15- and 16-year olds, that took a long way across the water.

Ms. Thompson said she believes we have to take care of the neighbors around these places, and she is worried it is going to turn into another Lake Hickory Marina. And with everything that is going on, her neighborhood got the letter, and they were all confused. They talked among themselves, and she did finally call the Planning Department, because on the front the text did mention four properties. She went on GIS and looked it up, and saw the Condeelis name and that it was on Highway 127. And on the back of it was a picture of the restaurant, and the two sub-divisions. So they were really confused over this. She had to make that phone call, and called a neighbor who was interested in coming tonight, but he was not sure this issue would even be talked about tonight.

Ms. Thompson said she does not know what else to say about this. She just wanted to voice her opinion and tell them what she has to say. And she is sitting next to a woman who lives on the other side, and she faces the restaurant. Her house is the first one in their neighborhood, and faces 321, so she is facing that restaurant. And the first thing she said to Ms. Thompson was, 'Do I get to change my zoning? Should I try to change my zoning?' Ms. Thompson said she has some real issues with this whole thing, because their neighborhood is getting ready for a major, major deal, a lot of disruption. They do not know if they can even get in-and-out from where they live, because they have only one way in-and-out. She said that was all she had to say.

Mr. Mays said that Ms. Thompson had stated that the Commission met a few months ago, regarding the marina, and she had attended. He asked her how the conditions are at the marina now, compared to how it was before. She said she does not live right on top of it, she is two houses down from there, and the lady who does live right on top of it, for a little while she was hearing some stuff going on down there, but it has been quiet. Mr. Mays said it is not the same atmosphere as with the previous ownership, and Ms. Thompson said no, it is just pleasant and it just all worked out. He said the new ownership made a difference. She said it has been quiet down there, that she did not know what the neighbor would say who lives above it, but that she would say things have been very quiet there. He thanked her for the information.

Mr. Mays said he had one statement to make, and then would move on. He said, the way it stands right now, as the owners just reviewed, the restaurant can open at any time, because it is already zoned for that, the application has already been done, so there is nothing to prevent the restaurant from opening. All they really want to do tonight is to rezone a couple of parcels, just to allow for pier permits, that is basically what it amounts to. Ms. Thompson said there was a restaurant there that did pipe the music, and the people on her side of 321 – she was not there at the time and was not involved in their issue – they live over the hill almost from her. She said they did put a stop to it and called the Planning Department. Mr. Mays said that was the correct way to handle it.

Mr. McBrayer said he wanted to make a comment. He said a restaurant is a restaurant; Hardee's is a restaurant, and Café Rule is a restaurant. Both are restaurants, two different types; just a comment.

Ms. Thompson said yes, and there was something said about this being considered a marina, and that Duke Energy was basically saying this. And you know, she was not so sure she would look to Lake Norman and say how wonderful Lake Norman is; she would say that she just looks at little old Hickory and says to just keep the lake like it is, don't turn it into Lake Norman.

There were no additional questions for Ms. Thompson.

Pam Connelly addressed Commission members. She said if you come over the northbound (321) bridge, going to Granite Falls, she is the house right there. And that is the only house that really has access to anything right there. She knows her parents bought that property back in 1964, and oh, the changes that have taken place. You cannot get out of that neighborhood without turning right and going up to the stoplight, then turning around and coming back. She said that is not a real convenient way to go to town, or to go to Hickory. About the only thing it is convenient for is to go to Granite Falls.

Ms. Connelly said she has lived on that property, or had access to that property through her parents, through three restaurants. The first restaurant owner was – gosh, he was really nice, he invited her family over and for lunch, or supper, whatever it was – and it was basically nice. They had no traffic problems, they had no problems at all. The next restaurant probably did not stay there that long, and then there were some questionable activities, like not paying taxes and stuff. And then the third one, that opened with a bang, was George's. She was there the night that they petitioned the Hickory City Council to make a bar downstairs, on the ground level, at George's, and it would have separate access from the restaurant, and it would be opened up to pool tables, and anything else you have in a dive like that.

Ms. Connelly said she is thoroughly opposed to a restaurant going there, and the only reason being that the front bedroom at her mother's (house) faces George's, or what was George's. You could see the lights from the bathroom window upstairs, and you could hear the noise. She said they absolutely promised that there was not going to be any noise, but there was. And, there were complaints, and she believes they were made by people who lived in that neighborhood. It never has been approached quite right, as to what they want to do there. Now she understands they want some boat slips and want, maybe, access to build a couple of houses down there and, basically, have it rezoned for this purpose. She asked why she couldn't ask for a rezoning of her property. Mr. Mays said the Planning Commission was open to any request she wanted to make. She said, right, and that her father actually bought the only lot that had access to 321, right there in front of their house, and it goes right up to 321. But she understands that now, they are not going to widen on that side; they are going to widen on the other side.

Ms. Connelly asked members to take a close look at this situation. Promises are one thing, but what comes out of it will be something else. She said this is actually her second meeting with the Planning Council, and all she hears is they don't really know what they are going to do about that bridge, that she has heard crazy things, like the City of Hickory was going to buy that bridge and they were going to make a walking path across there, and go over across to Crawdads stadium. And then, they heard that one side of the bridge would be built, and the other side would be vacant for a while. She said they are looking at a long proposed deal, to put two new bridges down there, and she is looking at people in their neighborhood never having access to the outside world again. And that seems kind of crazy, but you ought to be sitting in that driveway in the mornings between 6 and 9, and in the evenings between 3:30 and 6:30. You do not get in and out of that highway, unless a real nice soul wants to stop and let you in; it's a mess. She said that whatever is done is going to increase the traffic along there, and she does not think that is something we have given a long-range look. She said that was all of her comments.

Mr. Mays asked if there were any questions for Ms. Connelly.

Mr. Hunt said he felt bad for her later on, after learning that they did make a lot of noise (at the previous restaurant.) Ms. Connelly said it was terrible, that her mother had a strong voice, that for many years she had a radio program in Hickory. Her mother was the Swap Shop Lady, Lilly Ann, and she could make her voice be heard. Ms. Connelly said the noise was pretty bad, and she went over there numerous times at night, and her mother would say, 'You just have to hear this!' And no one would believe it, and no one did, unless they were sitting at that house. She said the Planning Board would hopefully look at a rezoning of that property that her father bought that property all those years ago, and that he had said he was going to stop a service station or produce market from going up there. She said there really is not a good service

station around there, anywhere between the Racetrac and all the way up to the Wal-Mart. She said to look for some people that want you to annex that property, or rezone it.

Mr. Mays said the restaurant property is not being rezoned; the restaurant, where it is, will remain the same, which means the restaurant can open. There is nothing to stop it from opening up, because it is already an allowed use for that area. He said he wanted to clarify that for her. Ms. Connelly said, that is true, but other restaurants have tried to operate there, unsuccessfully, and that she did not know what his magic secret is. Mr. Mays said everybody has to try, and she agreed. She said she does not intend to be an old lady sitting on her front porch, and rocking to the traffic up and down 321, but that is neither here nor there. She said when she has called the State, they say, 'Oh, you are going to have at least 775- to 800-feet in front of your house, before you get to the highway.' She said that is not very soul soothing to her.

There were no additional questions for Ms. Connelly.

There were no other speakers in opposition to the petition.

Mr. Mays said if there were no additional questions or speakers, there would be time for rebuttal.

REBUTTAL – PROPONENTS

Mr. Mays asked if either of the proponents wanted to present rebuttal to the testimony.

Matt Miller said he definitely understands some of the residents' concerns. He is currently located in a residential neighborhood with Bistro 127; there are houses behind and beside it. He has run this business for 10 years, six years in this location, and has never had a single complaint made from anyone in the neighborhood about inappropriate noise coming from his establishment. As a matter of fact, the previous tenant there on Highway 127 North was the complete opposite. They actually went out of business because there were so many problems, and that it caused Hickory Police to sit in the parking lot. He has gotten nothing but compliments from people who were frustrated before. They do not have any plans to have any amplified live music, but they have talked about having some acoustic music inside the restaurant. He has no desire to have a late-night bar crowd, because he has a family to go home to. He said maybe there is no proof in what people say, but that he would prove what he says.

Ed Neill said he again thanked members for their service and patience. He said he did not know if he did her and her family a favor, but when he showed the DOT how to save \$2 million, it prevented them from tearing three houses down on the top of that bank, on the east side of 321. He said they were aware of the history out there, that the same career criminal with a law degree named Jim Surane, who put the homeless people in the old Hickory Funeral Home in downtown, he was involved in both of those properties. He said he wished Hickory's code enforcement people were here tonight to tell you about his reckless disregard for any laws or any rules. They were aware of that history, and that is why they picked a quality operator for (the restaurant) out there. In his service on the Catawba County Planning Board, Mr. Neill has heard, when rezonings came up, questions like, what about the muddy water, what about the erosion control, what about the traffic, what about the noise, what about the lights. He that tells people that he believes the Planning Board is there to deal with the science of land use, and there are other agencies that deal with all those other issues. You can have your turn with them, if there is a problem. There are plenty of rules and ordinances in effect to protect the neighborhood. And they needed to be protected from Jim Surane – they were selling liquor without a license, they were digging in the bank behind the place without a permit – just reckless disregard, but that this management is just the opposite.

John Eldridge asked why they did not request a rezoning for the whole lakefront. Mr. Neill said they had to maintain the 50% impervious coverage, and they rezoned as much as they could.

Wallace Johnson said he wanted to be clear about this, and that they are rezoning for residential, without the intent of building houses, but so the docks can be put down there to serve the restaurant. Mr. Neill said correct, and Duke has allowed that historically, you do not have to build a house.

There were no additional questions for, or further comments from, the proponents.

REBUTTAL – OPPONENTS

Mr. Mays asked if either of the opponents wanted to present rebuttal to the testimony, and they did not.

There were no additional questions for, or further comments from, the opponents.

Mr. Mays asked if there were any others present who would like to speak regarding to this rezoning petition. One person came forward, and Mr. Mays asked her to state her name, and whether she was speaking in favor or against the petition.

Ida Danner addressed Commission members, saying she really just wanted to ask a question, and is glad that at, least, the grass would be cut there now. She lives directly to the side of the restaurant. Mr. Mays said she has come before the Planning Commission before, and she said yes. She said prayers work; the nightclub did not happen, it did not come. Her question was about the rezoning of the road, because it is showing on the diagram that the road will actually widen at their turn-in. Mr. Mays said there is no rezoning of the road, the road is the road, and the rezoning will not affect the road whatsoever; all it is doing is designating that portion of that property as Residential, that is all it is doing. She said, so that road is not going to be widened any, down through there. He said no, it is not going to do anything to the road. It is not going to affect the road, it is not going to do anything down through there.

Ms. Danner said she looked at the diagram, and it showed red at their entrance, as if it graduated to being wider. She did not understand the markings, and just wanted to have a clearer picture of it. He said no, there is not going to be anything done to the road there, all that is on the diagram is an outline of the area they are looking at to have rezoned. Mr. Mays referred to Map 3, Existing Zoning, and she pointed out where she lives. He asked her to notice the black outline, which shows the portions they want to rezone. She said, the ones where the lines are, and he said yes. She said, see those little dots right there, in that first white area, that is where her family lives. And she said that was her question, because coming down Lake Park Drive, right there when you come down the road, those little dots are the condos where she lives, and she wanted to understand, because it looks like it (the rezoning) would be right at the beginning of the building. Mr. Mays said that whatever the existing property lines are, they would remain the same. This would not affect anyone's property lines. What is there now will remain there.

Mr. McBrayer told Ms. Danner that what he was hearing her ask is actually a DOT question, versus a question for the Planning Commission. Dave Leonetti offered to talk with her after the hearing about the future plans there. She said she just had that one question about the road, and that she is happy the grass would be cut, she is glad for that. She said thank you, and that was all she wanted to ask.

There were no additional questions for Ms. Danner, and no additional speakers, for or against the petition.

There were no further comments or questions from anyone present.

The Public Hearing was closed.

There was no additional discussion, or questions on the request.

Mr. Mays asked for a motion to deny or approve the rezoning request.

Bill McBrayer moved, seconded by Jeff Kerley, to approve Rezoning Petition 16-05, and forward a recommendation of approval to Hickory City Council. By a show of hands, the motion carried unanimously.

Mr. Mays stated Rezoning Petition 16-05 is approved by the Hickory Regional Planning Commission, and would be forwarded to Hickory City Council for final approval.

OTHER BUSINESS

Mr. Mays said an appointment of a HRPC member is needed to the Hickory by Choice 2030 Update Subcommittee, following Ms. Clemons' departure from the Commission. He asked for a volunteer to replace Ms. Clemons. Currently serving are Mr. Mays, Mr. Hunt, Mr. Hedrick and Mr. McBrayer.

Mr. Mays asked if this member needed to be appointed tonight, and Mr. Leonetti said he believes there will possibly be a meeting prior to the next HRPC meeting. Mr. Mays said Hickory City Council had established it as a 5-person sub-committee, and Deputy City Attorney Arnita Dula said a fifth member needed to be appointed. Mr. Mays said he would delay this action, and prior to next month's meeting, that someone needs to step up or someone would be appointed. Mr. McBrayer asked how close the City is to replacing Ms. Clemons on the Commission, and no one knew. Mr. Kerley asked when and for how long the sub-committee meets. Mr. Mays explained that meetings are held at 4:45 pm, for one hour, prior to the HRPC monthly meetings, on the fourth Wednesday of the month. Mr. Hedrick said they are halfway through the process now. Mr. Mays again said this action would be delayed until next month, and hopefully a volunteer would step forward.

Mr. Leonetti said there is a candidate from the Town of Brookford for the HRPC. They have not yet been officially appointed by Hickory City Council.

Mr. Mays asked if there was any other business for the Commission, and there was none.

Adjourn: Bill McBrayer moved, seconded by Sam Hunt, to adjourn. There being no further business, the meeting adjourned at 7:15 pm.

Randall Mays, Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 16-03

OWNER: Hilton Materials, LLC

APPLICANT: Monroe Pannell

PROPERTY LOCATION: 1360 11th Avenue SE

PIN: 3721-14-43-2806

WARD: The subject property is located in Ward 3 (Councilman Seaver)

ACREAGE: +/- 8 acres

REQUESTED ACTION: The applicant requests a Special Use Permit for the establishment of an open storage operation as a principal use (LDC Section 6.2.18).

BACKGROUND: The subject property was recently rezoned to Industrial (Rezoning Petition 16-03), with the owner's intention of utilizing the property for a business operation specializing in the storage and mixing of materials, including soil and mulch. Such a use is classified by Article 6, Section 6.1 of the City's Land Development Code to be an "*Open Storage, Principal*" use. This type of use is permitted within Industrial (IND) districts upon the issuance of a Special Use Permit.

DEVELOPMENT POTENTIAL: The subject property is currently zoned Industrial (IND), and can be utilized for manufacturing, processing, and office type land-uses. Intensity of development within Industrial (IND) districts is not limited to a prescribed floor area ratio, as is the case within all other non-residential districts. Development is permitted at maximum intensities, provided building setbacks and heights, stormwater controls, and other related design requirements are met.

LAND USE AND ZONING: (See Maps 1, and 2 for additional detail)

- **Subject Property:** The property is currently zoned Industrial (IND), and is vacant / partially wooded.
- **North:** The properties to the north across 11th Avenue SE are zoned Industrial (IND). This property is currently vacant, but it should be duly noted this property is owned by Martin Marietta Materials, and has been approved as an expansion area for their quarry operations (Special Use Permit 08-03);
- **South:** The property is zoned Regional Commercial (C-3), and is currently vacant.

East: The properties to the east are zoned Regional Commercial (C-3) and Industrial (IND). The properties are occupied by industrial land uses (Maymead & Oak Designs).

- **West:** The properties to the west are zoned Regional Commercial (C-3). The properties are occupied by single-family residences, and an automotive sales facility (Hendrick Motors).

ACCESS: Access to and from the property is available from 11th Avenue SE. This roadway is operated and maintained by the NC Department of Transportation.

SEWER AND WATER: Water is available to the site, however for sewer to be available a line extension, along with a pumping station, would need to be installed station for domestic sewage disposal. If any form of washing of material is intended, it would need to be submitted and approved.

SPECIAL USE PERMIT REVIEW CRITERIA:

Special Use Permit applications may be approved by the Planning Commission only if it finds all the following criteria have been met:

1. **The proposed use is consistent with the Hickory by Choice 2030 Comprehensive Plan and stated Purpose and Intent of the Land Development Code; (See Map 2 for additional detail)**

The general area is classified as Industrial by the Hickory By Choice 2030 Comprehensive Plan. (Note: The Hickory By Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)

The Hickory by Choice 2030 plan does not specifically reference 11th Avenue SE as an area for future industrial development, but the plan's future land use map identifies an area that borders I-40, and spans from east of Lenoir Rhyne Boulevard to 21st Street Drive SE (Sweetwater Road) as an area for future industrial growth and expansion.

Additionally, the area to the east beyond the subject property on 11th Avenue, SE is home to some of the most intensive industrial uses within the City of Hickory. These areas house an asphalt production facility (Maymead Materials), as well as a quarry / mining operation (Martin Marietta Materials).

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan;

As outlined above, the subject properties are located in an area classified as Industrial, by the HBC 2030 Comprehensive Plan.

- Preserve and protect land, air, water and environmental resources and property values;

Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;

The subject property is located on 11th Avenue SE, which is home to a number of larger heavy industrial land uses. Public infrastructure currently in place in the area is sufficient to handle the type of development possible on the subject property.

- Regulate the type and intensity of development; and

Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and employees are properly protect as prescribed by law.

2. The proposed use complies with all applicable provisions of the Land Development Code;

The schematic plan submitted as part of the petition largely complies with the applicable provision of the city's Land Development Code. Upon the granting on a Special Use Permit for the submitted petition, the property owners / developers will be required to submit fully engineered development plans for permitting. The submitted plans will be reviewed to ensure they comply with all applicable provision of the city's Land Development Code.

3. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The proposed use is similar to other adjacent industrial uses to the east, but is dissimilar to two grandfather non-conforming residential uses to the west. Buffering will be retained and / or installed along the property line shared with the residential uses, which is shown on the schematic plan. Additionally the property owner has indicated the hours of operation will be limited to the period between 6:00 A.M. and 6:00 P.M. from Monday through Saturday, with limited operation during the same hours on Saturday, and no operations on Sunday. Traffic is not anticipated to noticeably increase.

4. Any significant impacts on neighboring properties and/or the natural environment resulting from the use will be mitigated or offset;

Any identified negative impacts on neighboring properties and the environment shall be mitigated to the extent required by all applicable laws and regulations.

5. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

Most, if not all, special use permit petitions possess the potential to detrimentally impact properties in their general vicinity. However; many of these potential impacts can be properly mitigated through site design and attention to detail during the permitting process. During the site design and permitting process attention is given to ensuring different types of land use can co-exist with one another to the maximum extent practical. This can be accomplished utilizing proper buffering, landscaping, stormwater control, and building setback standards; which are already in place.

6. Public safety, transportation, and utility services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

Adequate public infrastructure is available in sufficient quantities to serve future development on the subject property.

7. Adequate assurances of continuing maintenance have been provided;

The future operation of the business shall be maintained in conformance with all existing development standards, specifically Section 9.16, Property Maintenance, of the Hickory Land Development Code.

ADDITIONAL REVIEW CRITERIA FOR OPEN STORAGE PRINCIPAL USES (LDC 6.2.18):

8. Open storage as a principal use shall not be allowed in the required setback area of any front yard.

The petition submitted demonstrates no open storage will not occur within the required from setback, which is thirty (30) feet back from the ROW of 11th Avenue SE.

9. Open storage as a principal use shall be screened from view of any major and/or minor transportation roadways as shown on the Hickory By Choice Future Land Use and Transportation Plan Map, and from all residentially zoned land.

The use will not be visible from a major or minor thoroughfare. 11th Avenue SE is not classified as a major or minor thoroughfare. While I-40 and Lenoir Rhyne Boulevard SE are nearby major thoroughfares, the operation is separated by sufficient distance so that visibility will not be an issue.

RECOMMENDED ACTION: Staff recommends approval of the Special Use Permit contingent upon the following conditions:


1. All aspects of the project, and its subsequent improvements, shall comply with all applicable provisions of the City's Land Development Code, and the Building and Fire Codes of the State of North Carolina;
2. Prior to the initiation of development plans must be submitted, reviewed, and approved by the City of Hickory;
3. The hours of operation shall be limited to the period between 6:00 A.M. and 6:00 P.M. from Monday through Saturday, with limited operation during the same hours on Saturday, and no operations on Sunday;

4. Adequate measures shall be designed and installed to control stormwater originating on or traversing the property;
5. The owner / developer shall be responsible for any utility connections needed to serve the property;
6. Buffering along the east property line adjacent to the residentially used properties shall be provided;
7. An erosion control permit must be obtained; and
8. A driveway permit from the NC Department of Transportation must be obtained.

CITIZEN INPUT: As of August 15, 2016, staff has not received any phone calls regarding this petition.




Special Use Permit 16-03
Hilton Materials, LLC
Map 1 - 2014 Aerial Photo

 Subject Property





Special Use Permit 16-03
Hilton Materials, LLC
Map 2 - Current Zoning

 Subject Property

10TH AV LN SE

13TH ST SE

11TH AV BLVD SE

C-3

11TH AV CT SE

11TH AV SE

IND

W I 40 ON

LENOIR RHYNE BLVD SE

W I 40

E I 40 ON




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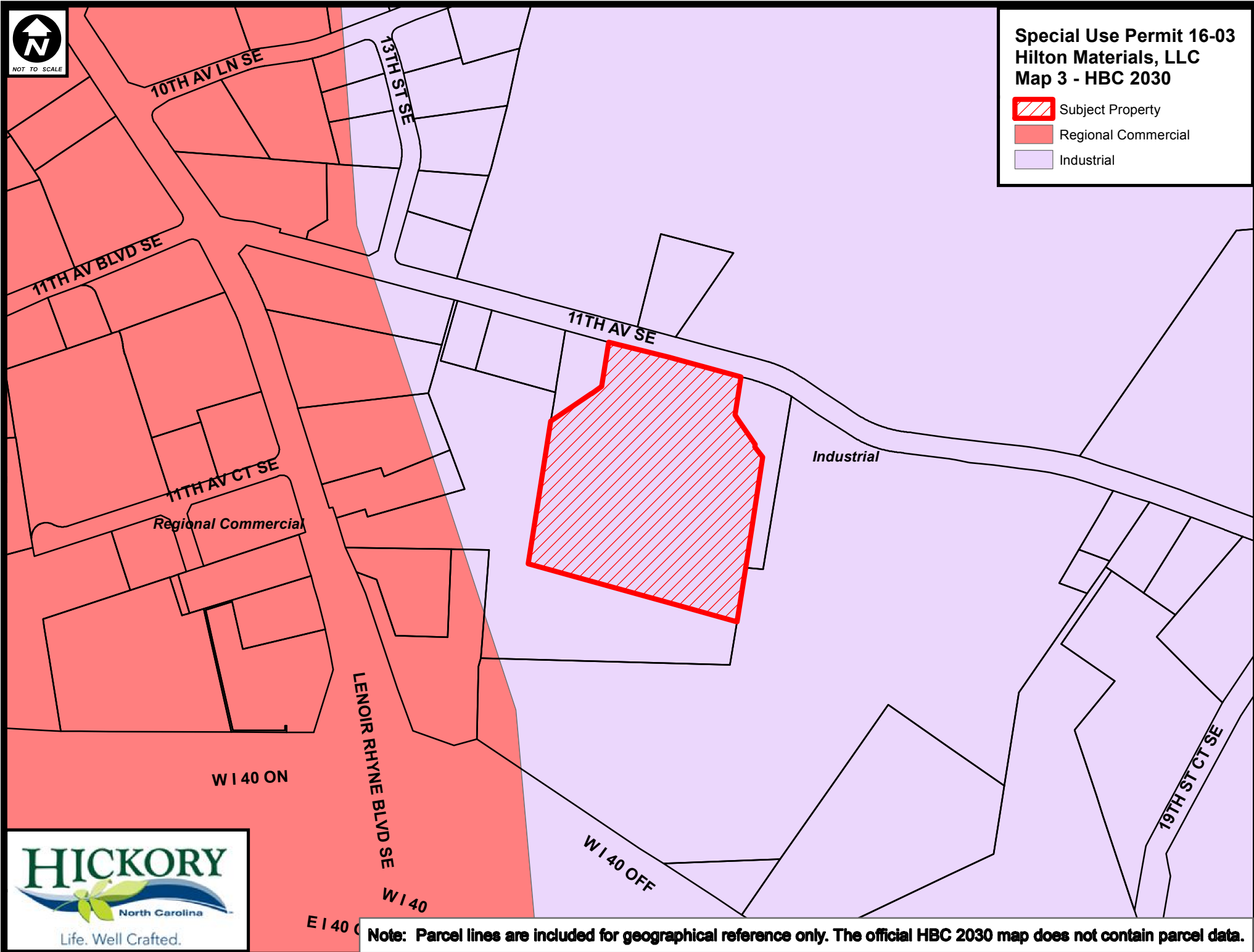
19TH ST CT SE

HICKORY
North Carolina
Life. Well Crafted.



**Special Use Permit 16-03
Hilton Materials, LLC
Map 3 - HBC 2030**

-  Subject Property
-  Regional Commercial
-  Industrial



CITY OF HICKORY
APPLICATION FOR SPECIAL USE PERMIT

DATE SUBMITTED: July 27, 2016

I (We), the undersigned, do hereby make application for development review for **special use approval**.

1. The property address of the property to be considered for development review is located on 11th Ave. SE that is between _____ and _____.

PIN NO. (S): 371214432806

Physical (Street) Address: 1360 11th Ave. SE, Hickory, NC 28630

2. The property is owned by: (please print) Hilton Materials, LLC

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Hilton Materials, LLC

Address: 5979 Appalossa Way, Granite Falls, NC 28630

Phone Number: 828-312-3210

Fax Number: _____ Email: kiphilton@hilton-inc.com

3. The application is submitted by: Kip Hilton

(If the application is submitted by someone other than the owner proper authorization from the property owner is required.)

Agent Information:

Name: Monroe Pannell

Address: P.O. Box 519, Conover, NC 28613

Phone Number: 828-464-0700

Fax Number: 828-464-0726 Email: monroe@conoverlaw.net

4. The subject property is located in the IND Zoning District.

5. The purpose of the requested action is to: Special Use Permit - Open Storage
Principal

Special Use Review Criteria

Special uses are those uses that require, because of their inherent nature, intensity, and external effects, special care in the control of their location, site design and methods of operation. Special Use applications may be approved by the Planning Commission only if they find that all of the following criteria have been met:

- A. The proposed use is consistent with the Hickory by Choice 2030 Comprehensive Plan and the stated Purpose and Intent of this Land Development Code;
- B. The proposed use complies with all applicable provisions of this Land Development Code;
- C. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- D. Any significant adverse impacts on neighboring properties and/or the natural environment resulting from the use will be mitigated or offset;
- E. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- F. Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development; and
- G. Adequate assurances of continuing maintenance have been provided.

In addition to the information above, some uses may have additional use standards or special use criteria. All applicants must address all applicable standards and criteria. ***30 folded copies of all application materials must be submitted.*** Applicants are also encouraged to submit a digital copy of all application materials.

Final Plan Approval

Prior to issuance of a building permit or other development permit, the Planning Director shall review all final Special Use plans for compliance with all requirements of this Land Development Code, conditions of approval and the Special Use plan presented to the Planning Commission. The Planning Director may require a final Special Use plan to be reviewed by the other departments if he finds that there are technical issues that should be addressed by other departments of the City.

I (We), the undersigned applicant(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

[Signature]

Signature of Applicant

Sworn and subscribed to before me this 13th day of July

(SEAL)

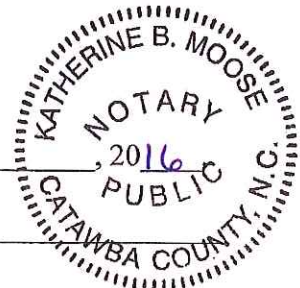
Katherine B. Moose

Notary Public

7-19-17

My Commission Expires

Katherine B. Moose



This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

Mr. Kip Hilton
Hilton Materials, LLC
5979 Appaloosa Way
Granite Falls, NC 28630

July 11, 2016

City of Hickory
Zoning Department
76 North Center Street
Hickory, NC 28601


RE: Application for Special Use Permit – Hilton Materials, LLC
Address of Property: 1360 11th Ave. SE, Hickory, NC 28602

Dear Sir or Madam:

This letter will authorize Mr. Monroe Pannell to act on the behalf of Hilton Materials, LLC with respect to the above referenced Special Use Permit Application.

Sincerely,

HILTON MATERIALS, LLC


Kip Hilton


STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Katherine B. Moose, a Notary Public for said County and State, do hereby certify that Kip Hilton, member/manager of Hilton Materials, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and notarial seal, this the 13th day of July, 2016.

PLACE NOTARY SEAL HERE




NOTARY PUBLIC
Printed Name: Katherine B. Moose
My Commission Expires: 7-19-17

ATTACHMENT TO APPLICATION FOR SPECIAL USE PERMIT BY
HILTON MATERIALS, LLC

The applicant is applying for Special Use Permit - Open Storage Principal.

Hilton Materials intends to engage in three principal operations on the property.

There is a soil operation. The purpose of this operation is to store soil for resale in the construction industry. This soil may be used for fill as required by the particular construction project. The applicant will not engage in the storage of any contaminated soil.

There is a mulching operation which will consist of reducing wood products to mulch for resale.

There is a concrete crushing operation. This operation will have a portable crushing machine which will crush recaptured concrete into marketable materials for the construction industry.

No structures are planned at this time.

It is submitted that the criteria set forth on page 2 of the special use permit application are met by this proposed use. Adjoining the property to the east is a manufacturing facility and the Maymead asphalt operation. To the north is Martin Marietta Materials quarry operation. To the west are some single family residences but the application proposes a buffer of 30 feet. Also to the west is the commercially zoned property of Hendrick Motors. Given the predominantly industrial uses of the neighborhood especially the intensive uses of Maymead and Martin Marietta the proposed permit by Hilton Materials, LLC for the operations described will be consistent with the neighborhood.

FILED Catawba County

on Jan 14, 2016 at 11:59:00 am

Excise Tax \$230.00 (AT)

INST. # 00637

DONNA HICKS SPENCER,
Register of Deeds

Bk 03324 Pg 1950-1952

SPECIAL WARRANTY DEED

Excise Tax: \$230.00

Tax Parcel ID No. 3712-14-43-2806

Verified by _____ County

on the ____ day of _____, 20 ____ By: _____

✓ Mail/Box to: Kevin C. McIntosh, Attorney at Law, Post Office Drawer 2428, Hickory, NC 28603

This instrument was prepared by: Kevin C. McIntosh, Attorney at Law, Post Office Drawer 2428, Hickory, NC 28603

Brief description for the Index: ~8.16 Acres - 1360 11th Avenue SETHIS DEED, made this the 7th day of January, 2016, by and between**GRANTOR: COMMUNITYONE BANK, N.A.**Whose mailing address is 1017 E Morehead Street, Suite 300, Charlotte, NC 28204
(herein referred to as Grantor) and**GRANTEE: HILTON MATERIALS, LLC, a North Carolina limited liability company**Whose mailing address is 5979 Appaloosa Way, Granite Falls, NC 28630
(herein referred to as Grantee).*[Include mailing address for each Grantor and Grantee; marital status of each individual Grantor and Grantee; and type of entity, e.g., corporation, limited liability company, for each non-individual Grantor and Grantee.]*

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the city of Hickory, County of Catawba, State of North Carolina, more particularly described as follows:

See Exhibit A

Said property having been previously conveyed to Grantor by instrument recorded in Book 3259, Page 0632.

All or a portion of the property herein conveyed ____ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor.

1951

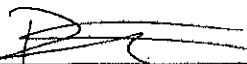
This conveyance is made subject to the following Exceptions and Reservations:

1. Matters of Survey.
2. Ad valorem taxes for years 2016 and subsequent years.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

COMMUNITYONE BANK, N.A.

By: 
Dave Watson, Assistant Vice President


State of North Carolina
County of Mecklenburg

(Official/Notarial Seal)

I certify that the following person personally appeared before me this day, each acknowledging to me that he signed the foregoing document:

Dave Watson, Assistant Vice President

Date: January 7, 2016


JESSICA A. STEWART Notary Public
Notary's Printed or Typed Name

My Commission Expires:
12/10/2017

Jessica A Stewart
Notary Public
Mecklenburg County
North Carolina
My Commission Expires 12/10/2017

EXHIBIT A

1952

BEGINNING at a ½ inch iron at the northeastern corner of the Ralph Gibson property (see deed recorded in Book 439, Page 283), said ½ inch iron being on the South side of the old Reese Road, now known as the Quarry Road, and being State Road No. 1465 (11th Avenue S.E.) and being within the 60 foot right of way claimed by the North Carolina Department of Transportation; and running thence South 74°07'07" East within the right of way of said road 378.59 feet to a ½ inch rod at the northwestern corner of the Cline Piano property; thence with Cline Piano Company's lines, South 08°50'20" West 110.33 feet to a ¾ inch pipe; thence South 34°30'40" East 137.50 feet to a point; thence South 08°35'04" West 300.82 feet to a concrete monument at Cline Piano's southwest corner and Asphalt Paving Company's northwest corner; thence with Asphalt Paving's western line, South 08°36'15" West 162.43 feet to a ½ inch pipe at Hendrick Hickory Investors northeast corner; thence with Hendrick Hickory Investors northern line, North 74°47'08" West 599.34 feet to a ¾ inch pipe; thence North 08°51'17" East 172.88 feet to a 1 inch pipe and North 08°41'17" East 224.89 feet to a ½ inch rod; thence leaving the eastern line of Hendrick Hickory Investors and running with Ralph Gibson's southern line, North 55°22'13" East 170.90 feet to a ½ inch rod; thence North 08°51' East 138.08 feet to a ½ inch pipe, the place and point of BEGINNING; containing 8.16 acres according to a survey by Miller Surveying, Inc. dated November 5, 1991 and entitled "Westcom Ltd."

WEB

Hilton Material LLC Special use Application

scale : n/a

